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6 Attorneys for Plaintiffs

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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **EDITH MACIAS, individually and on
 11 behalf of similarly situated
 12 individuals; HOTON DURAN;
 13 TIFFANY HUYNH; AURA MENDIETA;
 14 WILLIAM LABOY; MIGUEL ACOSTA;
 15 CRUZ ACOSTA; CUAUHTEMOC
 16 TORAL; and TERESA VILLEGAS,**

17 **Plaintiffs,**

18 **vs.**

19 **THOMAS J. TOMANEK; and
 20 MARK GARIBALDI, individually
 21 and doing business as THE
 22 GARIBALDI COMPANY,**

23 **Defendants.**

24 **Case No. C07-3437 JSW**

25 **JOINT APPLICATION AND
 26 STIPULATION TO AMEND BRIEFING
 27 SCHEDULE ON DEFENDANTS'
 28 MOTIONS TO DISMISS; [PROPOSED]
 ORDER**

29 **CLASS ACTION**

30 **Hearing:**

31 **Date: January 12, 2008
 32 Time: 9:00 a.m.
 33 Room: Courtroom of the
 34 Hon. Jeffrey S. White**

35 Defendants Thomas J. Tomanek and Mark Garibaldi have filed motions to
 36 dismiss plaintiffs' first amended complaint. (Doc. ## 20, 22.) This Court has issued
 37 orders setting a briefing schedule on those motions. (Doc. ## 21, 24.) Currently,
 38 plaintiffs' opposition is due by no later than November 2, 2007, and defendants' replies
 39 are due on November 9, 2007.

40 By way of this application, the parties seek to amend the briefing schedule so
 41 that plaintiffs' oppositions are due on November 9, 2007, and defendants' replies are
 42 due on November 23, 2007. There is good cause to grant this application. Plaintiffs'

43 **JOINT APPLICATION AND STIPULATION TO AMEND BRIEFING SCHEDULE ON
 44 DEFENDANTS' MOTIONS TO DISMISS; [PROPOSED] ORDER; Case No. C 07-03437 JSW**

1 counsel's firm has been in trial in Los Angeles since the week of October 8th. Trial was
2 expected to conclude this week, but now looks to continue into the beginning of the
3 week of October 29th. An additional week will give plaintiffs' counsel the time
4 necessary to prepare and file the oppositions. Accordingly, the parties request that the
5 Court issue an order amending the briefing schedule so plaintiffs' oppositions are due
6 on November 9, 2007, and defendants' replies are due on November 23, 2007.

7 SO STIPULATED.

8 BRANCART & BRANCART

9 Dated: October 23, 2007

10 
11 Elizabeth Brancart
12 Attorneys for Plaintiffs

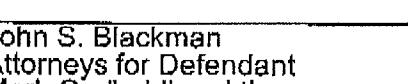
13 ALLMAN & NIELSEN, P.C.

14 Dated: October 23, 2007

15 
16 Sara B. Allman
17 Attorneys for Defendant
18 Thomas J. Tomanek

19 FARBSSTEIN & BLACKMAN

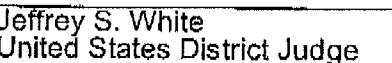
20 Dated: October 23, 2007

21 
22 John S. Blackman
23 Attorneys for Defendant
24 Mark Garibaldi and the
25 Garibaldi Company

26 * * *

27 IT IS SO ORDERED.

28 Dated: _____

29 
30 Jeffrey S. White
31 United States District Judge

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2 expected to conclude this week, but now looks to continue into the beginning of the
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7 SO STIPULATED.

8 BRANCART & BRANCART

9 Dated: October 23, 2007

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11 Elizabeth Brancart
12
13 Attorneys for Plaintiffs

14 ALLMAN & NIELSEN

15 Dated: October 23, 2007

16 Sara B. Allman
17 Attorneys for Defendant
18 Thomas J. Tomanek

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20 FARBSTEIN & BLACKMAN
21
22 John S. Blackman
23 Attorneys for Defendant
24 Mark Garibaldi and the
25 Garibaldi Company

26 * * *

27 IT IS SO ORDERED.

28 Dated: _____

Jeffrey S. White
United States District Judge

JOINT APPLICATION AND STIPULATION TO AMEND BRIEFING SCHEDULE ON
DEFENDANTS' MOTIONS TO DISMISS; [PROPOSED] ORDER; Case No. C 07-03437 JSW